WESTLAW

Distinguished by Pacific Maritime Ass'n v. International Longshoremen's and Warehousemen's Union, 9th Cir.(Wash.), May 21, 1975

Schmidt v. Lessard

Supreme Court of the United States | January 14, 1974 | 414 U.S. 473 | 94 S.Ct. 713 | 38 L.Ed.2d 661 | 18 Fed.R.Serv.2d 13 *(Approx. 5 pages)*

Supreme Court of the United States

Wilbur SCHMIDT, Director of Wisconsin Department of Health and Social Services, et al.

v.

Alberta LESSARD

No. 73—568.

Jan. 14, 1974.

Synopsis

A class action was brought for declaratory and injunctire relief against enforcement of Wisconsin involuntary commitment laws. A three-judge District Court panel of the United States District Court for the Eastern District of Wisconsin, 349 F.Supp. 1078, found the Wisconsin statutory scheme unconstitutional. Defendants appealed. The Supreme Court held that an order which simply told defendants not to enforce 'the present Wisconsin scheme' against those in plaintiff's class was insufficient to meet requirements of a rule and presented an inadequate foundation for review.

Vacated and remanded.

Mr. Justice Douglas dissented.

West Headnotes (5)

Change View

1 **Federal Courts** Three-judge courts

Where opinion of district court by its own terms authorized granting injunctive relief, judgment entered "in accordance with the Opinion" was sufficient to invoke statutory jurisdiction of Supreme Court over "order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges." 28 U.S.C.A. § 1253.

32 Cases that cite this headnote

2 **Federal Courts** Particular cases

Order, in class action for injunctive and declaratory relief, which simply told defendants not to enforce "the present Wisconsin scheme" against those in plaintiff's class was insufficient for plenary judicial review, though sufficient to invoke appellate jurisdiction, and remand was accordingly required. 28 U.S.C.A. § 1253; Fed.Rules Civ.Proc. rule 65(d), 28 U.S.C.A.

41 Cases that cite this headnote

SELECTED TOPICS

Declaratory Judgment

Subjects of Declaratory Relief
Practical Effects of Injunctive and Declaratory Relief

Federal Courts
Supreme Court
Exclusive Jurisdiction of Three Judge District

Form and Requisites

Issuance of Temporary Restraining Order or Temporary Injunction

Secondary Sources

APPENDIX II: FEDERAL STATUTES

Multichannel Video Compliance Guide: Broadband Law & Reg. Appendix II

...[Editor's Note: The following are sections of the Communications Act, as amended, that apply to cable television. Sections amended or added by the Telecommunications Act of 1996 (P.L. 104-104, Feb. 8, ...

APPENDIX III: FCC REGULATIONS

Multichannel Video Compliance Guide: Broadband Law & Reg. Appendix III

...(a)(1) Any restriction, including but not limited to any state or local law or regulation, including zoning, land-use, or building regulations, or any private covenant, contract provision, lease provis...

Comment Note.--Validity of procedures designed to protect the public against obscenity

5 A.L.R.3d 1214 (Originally published in 1966)

...As enunciated as a matter of federal constitutional law by the United States Supreme Court in the leading case of Roth v United States (1957) 354 US 476, 1 L ed 2d 1498, 77 S Ct 1304, reh den 355 US 85...

See More Secondary Sources

Briefs

Brief of Petitioners

1984 WL 565918
BETHEL SCHOOL DISTRICT NO. 403; Christy B. Ingle; David C. Rich; J. Bruce Alexander; and Gerald E. Hosman, Petitioners, v. Matthew N. FRASER, a Minor, and E. L. Fraser, as His Guardian ad Litem, Respondents.
Supreme Court of the United States
Nov. 27, 1984

...The opinion of the Court of Appeals is reported at 755 F.2d 1356 (9th Cir. 1985). PA at A1-A65. The oral opinion (PA at B11-B50), Findings of Fact and Conclusions of Law (PA at B1-B10), Injunction and ...

Brief of Petitioners

1985 WL 667975
BETHEL SCHOOL DISTRICT NO. 403; Christy B. Ingle; David C. Rich; J. Bruce Alexander; and Gerald E. Hosman, Petitioners, v. Matthew N. FRASER, a Minor, and E. L. Fraser, as His Guardian Ad Litem, Respondents.

3 **Declaratory Judgment** Injunction
Order, in class action for declaratory and injunctive relief, which simply told defendants not to enforce "the present Wisconsin scheme" against those in plaintiffs' class was insufficient to meet requirements of rule requiring reasons for issuance, specificity in terms and description in reasonable detail of act or acts sought to be restrained. Fed.Rules Civ.Proc. rule 65(d), 28 U.S.C.A.

73 Cases that cite this headnote

4 **Injunction** Specificity, vagueness, overbreadth, and narrowly-tailored relief
Injunction Form and requisites
Rule requiring that every order granting injunction and every restraining order set forth reasons for issuance, be specific in terms, and describe in reasonable detail act or acts sought to be restrained is to prevent uncertainty and confusion on part of those faced with injunctive orders and to avoid possible founding of contempt citation on decree too vague to be understood. Fed.Rules Civ.Proc. rule 65(d), 28 U.S.C.A.

261 Cases that cite this headnote

5 **Injunction** Specificity, vagueness, overbreadth, and narrowly-tailored relief
Basic fairness requires that persons enjoined receive explicit notice of precisely what conduct is outlawed. Fed.Rules Civ.Proc. rule 65(d), 28 U.S.C.A.

134 Cases that cite this headnote

Opinion

***714 *473** PER CURIAM.

In October and November 1971, appellee Alberta Lessard was subjected to a period of involuntary commitment under the Wisconsin State Mental Health Act, wis.Stat. s 51.001 et seq. While in confinement, she filed this suit in the United States District Court for the Eastern District of Wisconsin, on behalf of herself and all other persons 18 years of age or older who were being held involuntarily pursuant to the Wisconsin involuntary-commitment laws, alleging that the statutory scheme was violative of the Due Process Clause of the Fourteenth Amendment. Jurisdiction was predicated on 28 U.S.C. s 1343(3) and 42 U.S.C. s 1983. Since both declaratory ***474** and injunctive relief were sought, a District Court of three judges was convened, pursuant to 28 U.S.C. s 2281.

After hearing argument and receiving briefs, the District Court filed a comprehensive opinion, declaring the Wisconsin statutory scheme unconstitutional. 349 F.Supp. 1078. The opinion concluded by stating that

'Alberta Lessard and the other members of her class are entitled to declaratory and injunctive relief against further enforcement of the present Wisconsin scheme against them. . . . (Miss Lessard is also entitled to an injunction against any further extensions of the invalid order which continues to make her subject to the jurisdiction of the hospital authorities.' Id., at 1103.

Over nine months later, the District Court entered a judgment, which simply stated that

> 'It is Ordered and Adjudged that judgment be and hereby is entered in accordance with the Opinion heretoforce entered . . ..'

1 The defendants-appellants now seek to invoke the appellate jurisdiction of this Court, pursuant to 28 U.S.C. s 1253. That statute provides that

> 'Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an

Supreme Court of the United States
Nov. 27, 1985

...The opinion of the Court of Appeals is reported at 755 F.2d 1356 (9th Cir. 1985). PA at A1-A65. The oral opinion (PA at B11-B50), Findings of Fact and Conclusions of Law (PA at B1-B10), Injunction and ...

Brief on Behalf of Appellants

1974 WL 185795
John CRYAN, et. al., Appellants, v. HAMAR THEATRES, INC., et al., Appellees.
Supreme Court of the United States
June 05, 1974

...The opinion of the Three-Jndge Court for the District of New Jersey appears in 365 F. Supp. 1312 (D. N. J. 1973). A copy of tile opinion may be found in the Appendix (A74, et seq.). The jurisdiction of...

See More Briefs

Trial Court Documents

The Woodlands Pride, Inc. v. Paxton

2023 WL 6242196
THE WOODLANDS PRIDE, INC., Abilene Pride Alliance, Extragrams LLC., 360 Queen Entertainment LLC., Brigitte Bandit, Plaintiffs, v. Warren Kenneth PAXTON, in an official capacity as Attorney General of Texas, Montgomery County, Brett Ligon, in an official capacity, City of Abilene, Taylor County, James Hicks, in an official capacity, Delia Garza, in an official capacity, Joe D. Gonzales, in an official capacity, Defendants.
United States District Court, S.D. Texas, Houston Division.
Sep. 26, 2023

...Pending before the Court is Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction (Document No. 10). On August 14, 2023, the Court ordered that the preliminary injunction hearin...

Ambrose v. Township of Robinson, PA

2000 WL 35904886
Terry L. AMBROSE, Plaintiff, v. TOWNSHIP OF ROBINSON, PA, Defendant.
United States District Court, W.D. Pennsylvania.
Oct. 11, 2000

...AMBROSE, District Judge. Pending is Defendant's Motion for Summary Judgment as to Plaintiff's Fourteenth Amendment due process claims and his First Amendment claims pursuant to 42 U.S.C. §1983, as well...

United States of America v. Mayfield

2015 WL 10580288
UNITED STATES OF AMERICA, Plaintiff, v. Rocky Thomas MAYFIELD, Defendant.
United States District Court, D. North Dakota, Northwestern Division.
June 10, 2015

...Before the Court is Defendant Rocky Thomas Mayfield's motion to suppress filed on May 12, 2015. See Docket No. 52. The Government filed a response in opposition to the motion on May 26, 2015. See Docke...

See More Trial Court Documents

> interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.'

In response, the appellee has filed a motion to dismiss the appeal for want of jurisdiction. Relying upon this Court's decision in Gunn v. University Committee to End the War, 399 U.S. 383, 90 S.Ct. 2013, 26 L.Ed.2d 684 she claims that the District ***475** Court's judgment did not constitute 'an order granting or denying' an injunction.

In Gunn, a statutory three-judge court had found a Texas breach of the peace statute unconstitutional. There, as here, the opinion of the District Court concluded by stating that the plaintiffs 'are entitled to . . . injunctive relief.' University Committee to End the War v. Gunn, 289 F.Supp. 469, 475 (W.D.Tex.). The District Court in Gunn, however, entered no further order or judgment of any kind; the concluding ****715** paragraph of the opinion was the only mention of injunctive relief. Thus, we concluded that we lacked jurisdiction to hear the appeal under 28 U.S.C. s 1253, because of the total absence of any order 'granting or denying' an injunction.

Although the language of the District Court opinion here parallels that in Gunn, there is thus an important distinction between the two cases. While the record in Gunn was devoid of any order granting injunctive relief, there was in the present case a judgment entered 'in accordance with the Opinion.' Since the opinion of the District Court by its own terms authorizes the granting of injunctive relief to the appellee, we believe that the judgment here is sufficient to invoke our jurisdiction under 28 U.S.C. s 1253.

2 3 4 5 Yet, although sufficient to invoke our appellate jurisdiction, the District Court's order provides a wholly inadequate foundation upon which to premise plenary judicial review. Rule 65(d) of the Federal Rules of Civil Procedure provides, in relevant part:

> 'Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained . . ..'

***476** The order here falls far short of satisfying the second and third clauses of Rule 65(d). Neither the brief judgment order nor the accompanying opinion is 'specific' in outlining the 'terms' of the injunctive relief granted; nor can it be said that the order describes 'in reasonable detail . . . the act or acts sought to be restrained.' Rather, the defendants are simply told not to enforce 'the present Wisconsin scheme' against those in the appellee's class.

As we have emphasized in the past, the specificity provisions of Rule 65(d) are no mere technical requirements. The Rule was designed to prevent uncertainty and confusion on the part of those faced with injunctive orders, and to avoid the possible founding of a contempt citation on a decree too vague to be understood. International Longshoremen's Assn. v. Philadelphia Marine Trade Assn., 389 U.S. 64, 74—76, 88 S.Ct. 201, 206—208, 19 L.Ed.2d 236; Gunn, supra, at 388—389. See generally 7 J. Moore, Federal Practice 65.11; 11 C. Wright & A. Miller, Federal Practice and Procedure s 2955.[1] Since an injunctive order prohibits conduct under threat of judicial punishment, basic fairness requires that those enjoined receive explicit notice of precisely what conduct is outlawed.[2]

***477** The requirement of specificity in injunction orders performs a second important function. Unless the trial court carefully frames its orders of injunctive relief, it is impossible for an appellate tribunal to know precisely what it is reviewing. Gunn, supra, 399 U.S. at 388, 90 S.Ct. at 2016. We can hardly begin ****716** to assess the correctness of the judgment entered by the District Court here without knowing its precise bounds. In the absence of specific injunctive relief, informed and intelligent appellate review is greatly complicated, if not made impossible.

Hence, although the order below is sufficient to invoke our appellate jurisdiction, it plainly does not satisfy the important requirements of Rule 65(d). Accordingly, we vacate the

judgment of the District Court and remand the case to that court for further proceedings consistent with this opinion.

Vacated and remanded.

Mr. Justice DOUGLAS dissents.

All Citations

414 U.S. 473, 94 S.Ct. 713, 38 L.Ed.2d 661, 18 Fed.R.Serv.2d 13

Footnotes

1 The record in this case suggests that a good deal of confusion has been engendered by the absence of a specific injunctive order. About six months after the opinion in this action was entered, the appellee submitted a memorandum to the District Court, alleging numerous instances of 'noncompliance' with the decision and requesting affirmative judicial relief. No action was taken on this request, and, on July 18, 1973, both the appellee and the appellants joined in a 'Motion to Reconvene for Clarification of Opinion.' That motion outlined the uncertainty that had followed the District Court's original opinion, and asked the court to 'clarify' its precise holdings. The District Court has taken no action on this joint motion, perhaps because of the subsequent filing of a notice of appeal.

2 'The judicial contempt power is a potent weapon. When it is founded upon a decree too vague to be understood, it can be a deadly one. Congress responded to that danger by requiring that a federal court frame its orders so that those who must obey them will know what the court intends to require and what it means to forbid.' International Longshoremen's Assn. v. Philadelphia Marine Trade Assn., 389 U.S. 64, 76, 88 S.Ct. 201, 208.

End of Document

© 2024 Thomson Reuters. No claim to original U.S. Government Works.

Westlaw. © 2024 Thomson Reuters | Privacy Statement | Accessibility | Supplier Terms | Contact Us | 1-800-REF-ATTY (1-800-733-2889) | Improve Westlaw/Report an error

THOMSON REUTERS